

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

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FOR IMMEDIATE RELEASE: Wednesday, May 27, 2015

Contact: Rob Marus, Communications Director: 202.724.5646; robert.marus@dc.gov

Attorney General Racine Requests Court Stay Decision on Gun-Carry Permits Pending Appeal

Motion Notes that Lower Court's Decision Differs from Other Federal Courts

WASHINGTON, D.C. – The Office of the Attorney General (OAG) has requested that U.S. District Judge Frederick J. Scullin stay his decision declaring unconstitutional a key part of the District's laws that allow individuals to obtain permits for carrying concealed handguns. The stay was requested pending an appeal of Judge Scullin's May 18 decision striking down the provision of the District's handgun laws that says those applying for a concealed-carry permit must state a "good reason to fear injury to his or her person or property" or another reason for carrying a pistol.

"The May 18 Order struck the central element of the District's concealed carrying regime — the requirement that suitable applicants have a 'good reason' to carry a deadly weapon in public — as it applies to the plaintiffs," the motion states. "In its Order, the Court misinterpreted and misapplied the relevant case law and, as shown below, a careful balancing of the interests demonstrates that a stay of the Order, and an immediate administrative stay, should issue so that the District may pursue its appellate rights."

The OAG motion requesting a stay argues that:

- A stay of the Court's Order is warranted because the Order addresses serious constitutional issues of first impression in the U.S. Court of Appeals for the D.C. Circuit and the requested stay would preserve the status quo while the District pursues an appeal of the Order.
- The Court's Order breaks new ground on an issue of first impression about the Second Amendment — whether the government may impose a "good reason" requirement in licensing firearms to be carried in the public. The constitutional issues are serious and substantial, favoring a stay.
- The Order struck the central element of the District's concealed-carrying regime — the requirement that suitable applicants have a "good reason" to carry a deadly weapon in public — as it applies to the plaintiffs. In its Order, the Court misinterpreted and misapplied the relevant case law.
- Neither the Supreme Court nor the D.C. Circuit has determined whether the Second Amendment extends beyond the home, nor has either court determined whether local governments may impose a "good reason" requirement on carrying deadly weapons in public. Only one U.S. circuit appeals court

— the 7th — has gone so far as to extend the Second Amendment right beyond the home. And of the United States Circuit Courts of Appeal to have addressed the issue directly, all three (the 2nd, 3rd and 4th) have approved the use of a “good reason” requirement for licenses to carry firearms in public.

Attorney General Karl A. Racine said the District crafted its handgun-carrying regime carefully in response to an earlier decision by Judge Scullin striking down the city’s previous ban on the carrying of weapons outside the home. **“We believe the law adopted by the District comports with the Constitution, and we believe we will prevail on appeal,”** he said. **“We will do everything we can to ensure that the District both complies with the law and protects public safety in the seat of our nation’s government.”**

A copy of the District’s motion to stay Judge Scullin’s order is attached.

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